

the funding for our Government agencies is being held up, and not the least of which, of course, is the Department of Agriculture bill. But under rule XXII, these votes will occur in a stacked sequence on Monday, unless changed by consent. And I ask unanimous consent that these cloture votes occur beginning at 5:30 on Monday, and that in each case the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. So those four cloture votes will occur in sequence beginning at 5:30 on Monday.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. KENNEDY. Mr. President, did the leader ask consent?

Mr. LOTT. That we go to morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Democratic leader.

FINDING A SOLUTION

Mr. DASCHLE. Mr. President, I just want to reiterate our desire to see if we can find a way with which to address this issue.

I will reiterate that, if we have the opportunity to present 20 amendments up or down, I will be prepared to go to my colleagues and say: Look, we can live with that. I want you to cooperate and find a way in which we can have a good debate with 20 amendments free-standing with up-or-down votes. We can live with that. We could even live with a time certain so long as we have a good debate on those amendments with a vote on those amendments prior to the time we reach the end date. But that is a simple request. It is a simple desire to find some resolution.

Our colleagues have been more than willing to cooperate in that regard. I hope we can do it. Our door is still open. We will work to see if we can't find a way to accomplish that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thought we would be going back to the amendment of the Senator from California. I hope those Americans who have been watching the Senate for the last few minutes—and also for the past few days—have no doubt in their minds what this is all about. This hasn't got anything to do with the Senate rules at all or Senate procedure. It is about a very fundamental and basic issue; it's about whether the Senate of the United States is willing to take up the Patients' Bill of Rights, the core of which

states that decisions affecting the medical treatment of an individual are going to be decided by the doctors and trained medical professionals and not by gatekeepers or insurance adjusters or insurance accountants. That is the basic issue.

We can talk about 2-hour amendments, 4 days, a week, we can talk about four cloture motions, but the bottom line is that the Republican majority is refusing to permit the Senate to go about the people's business and schedule a Patients' Bill of Rights and permit the kind of orderly procedure that has been a part of this body for almost 200 years. That is what is going on here. Then they have the effrontery to talk about how they are going to change the rules in order to try and deny any opportunity to have a measure of this kind brought before the Senate.

Let's be very clear what this is about. This is about something which is basic and fundamental to the families in this country. For 2 days, the Senator from California has been trying to bring up her amendment and get action on it. She has been precluded from doing so. The last action this evening—morning business at 5:10 on Thursday evening—has again precluded a debate and vote on her amendment. She was here yesterday at 9:30 in the morning. It doesn't take a Member of the Senate to understand what is going on. She is being denied a vote on the key issue of this whole debate, and that is whether insurance companies which cover American families are going to have to use a definition of what is "medically necessary" that will reflect the best medical training, judgment, and skill in the United States. That is what her amendment is.

I have seen a lot of actions taken in order to preclude a Member of the Senate from getting a vote, but to go through the process of having four cloture votes next Monday, all in an attempt to deny the Senator from California an opportunity to get an up-or-down vote on her amendment, is a very clear indication of what is going on.

This isn't about process. This is about substance. What kind of quality health care programs are we going to have in the United States of America?

We are being denied the opportunity to make that decision. We were denied it last year and we are denied it again this year. We can listen to all the other bills left to do this year, and the Patients' Bill of Rights should be one of them. We tried to get it up last year, but we couldn't get it up under regular order. We have tried to get it up this year, but, again, we can't get it up under regular order.

Earlier today, we heard reference to the process and procedure that was followed during Kassebaum-Kennedy. Let me remind my colleagues that the consent agreement to consider the Kassebaum-Kennedy legislation was reached on February 6 of that year. It said the bill must be brought up no earlier than

April 15 and no later than May 3, with no time agreements or limitations on amendments. And we passed it, unanimously, under those terms.

It seems to me that the last two days provide a very clear example of the majority effectively, I believe, abusing the process and procedures of the Senate, to deny the debate, discussion and the vote on an important issue in order to protect themselves on the issue of health care. We should be protecting the American people. They are going to understand it. There can be no other interpretation of what is happening on the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I hate to see my colleague and friend from Massachusetts get so exercised—and he happens to be incorrect.

He has to know the rules of the Senate very well. The proposal the majority leader was propounding is very fair. The Senator from California wants a vote on her amendment. I will be very frank. The way she can get a vote on her amendment is to move forward and accept the offer already made. She could offer her amendment, for example, as a second-degree amendment. The Senator can get a vote on her amendment.

The way to do this is not on an appropriations bill. The Senator from Idaho is correct. We shouldn't be doing this on an appropriations bill. Everyone in the Senate knows it. This is not the way to legislate.

We ought to be able to manage the Nation's business in an appropriate manner, not coming up with the Patients' Bill of Rights saying: We will do this piece by piece; we have 40 pieces and we will do it on various bills, bills that are going to go to conferees.

Conferees know absolutely nothing about this issue. They have never had a hearing on this issue, never dealt with this issue. Asking them to legislate on it is wrong. It is not going to happen. It will not pass; it will not become law. We are wasting our time.

It is not anybody's intention on this side to filibuster, to deny the opportunity to offer amendments. The Senator can have the opportunity. Yes, it is quite likely there will be amendments offered in the second-degree, but a lot of amendments wouldn't be offered in the second-degree. Likewise, second-degree amendments are available to Members on both sides. That should be very apparent.

The point is I am a little frustrated by people saying we are not being treated fairly. The Senator has been offered a most generous proposal where Senators could offer lots and lots of amendments and get votes on those amendments. It doesn't take a legislative genius to make that happen.

I encourage our colleagues to see if we can't work together and make this happen instead of offering this piece by